WP No. 102 of 2004 (M/S)

Hon'ble Irshad Hussain, J

Heard Sri B.P.Nautiyal learned counsel for the petitioner.

This is a petition under Article 227 of the Constitution of India challenging the order dated 29-12-2003 whereby the application purported to be one under Order 11 Rule-1 C.P.C. in original suit no. 22/2000 had been rejected on merit. The query made was in regard to the signature of the defendant-respondent. The defendant in his written statement had vehemently denied the execution of any such document as an agreement (Annexure-1) and specifically averred that the same is a fictitious and fabricated document. Considering this the learned trial court made no jurisdictional error in rejecting the application filed by the petitioner-plaintiff.

There is no merit in this petition and the same is dismissed in limine.

(Irshad Hussain, J.)

Dated: 15-03-2004

ISB